

HOUSE BILL 73

By Hardaway

AN ACT to amend Tennessee Code Annotated, Section 39-17-312 and Title 62, Chapter 5, relative to local law enforcement investigations of certain reports concerning funeral directors or funeral establishments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 5, Part 1, is amended by adding the following language as a new Section 62-5-109:

Section 62-5-109. Because of potential health hazards due to the decomposition of a dead human body, if a report is filed with a local law enforcement official that a funeral director or funeral establishment is in violation of § 62-5-317(a)(7), (b)(9), or (b)(11) affecting the handling or custody, care or transportation of dead human bodies or may be abusing a corpse in violation of § 39-17-312, the local law enforcement official shall, within twelve (12) hours of receiving such a report, investigate whether there exists probable cause to support the allegations made in the report. If there is probable cause to believe the funeral director or funeral establishment has committed a criminal offense, the law enforcement official shall issue a citation in lieu of arrest or obtain a warrant, depending on the circumstances which arise out of the investigation. In addition, the law enforcement official shall notify the local district attorney of the action taken and file a report with the board of funeral directors and embalmers.

SECTION 2. Tennessee Code Annotated, Section 62-5-317, is amended by adding the following language as a new subsection (c):

(c) It is not a defense to any disciplinary action taken by the board under this section that a local law enforcement official failed for whatever reason to timely

investigate an alleged violation of subdivision (a)(7), (b)(9) or (b)(11) by a funeral director or funeral establishment as required by § 62-5-109.

SECTION 3. Tennessee Code Annotated, Section 39-17-312, is amended by adding the following language as a new, appropriately designated subdivision:

( ) It is not a defense to a prosecution or conviction under this section that a local law enforcement official failed for whatever reason to timely investigate an alleged violation of this section by a funeral director or funeral establishment as required by § 62-5-109.

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.